IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA
UNITED STATES OF AMERICA

United States of America,
Ex Rel. Dale Thomas Vosika
and Rob Thompson,

Plaintiffs,

vs.

Starkey Laboratories, Inc.,

Defendant.

AFFIDAVIT OF ROBERT J. HAJEK

Court File No. 01-709 DWF/SRN

STATE OF MINNESOTA)
) SS.
COUNTY OF HENNEPIN)

ROBERT J. HAJEK, in support of his Motion to Unseal Complaint, states under oath as follows:

1. I am the attorney representing the Relators in this action.

2. In accordance with the Court's Order of June 23, 2003, the Court unsealed the Complaint in this matter.[1]

3. That paragraph 2 of the Court's Order of June 23, 2003 provided that all other contents of the Court's file remain under seal and not be made public or served upon the

[1] The actual document that was served upon the Defendant pursuant to the Court Order was the Amended Complaint.

Defendant.

4. That Defendant has moved for partial dismissal of the Second Amended Complaint alleging that the six-year statute of limitations is applicable to this action.

5. In order for Relators to show that the statute of limitation, if applicable, should apply only from the date of the original Complaint pursuant to Rule 15(c) of the Federal Rules of Civil Procedure, it is necessary for the Court to unseal that Complaint.

s/Robert J. Hajek
Robert J. Hajek, Esq.

Subscribed and sworn to before me this
23rd day of June, 2004.

Notary Public